

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA**

**APRIL 1, 2009**

**7:30 PM COURTHOUSE COUNCIL CHAMBERS**

**ROLL CALL**\_\_\_\_\_

**PRAYER**\_\_\_\_\_

**APPROVAL OF THE MINUTES OF THE  
REGULAR MEETING OF MARCH 18, 2009**\_\_\_\_\_

**ITEMS NOT ADDRESSED ON THE AGENDA**\_\_\_\_\_

**PUBLIC COMMENT ON ANY PUBLIC MATTER**\_\_\_\_\_

**CHIEF EXECUTIVE'S REPORT**\_\_\_\_\_

**SECTION I PUBLIC HEARING**

FOR THE PURPOSE OF SOLICITING COMMENTS ON REDEVELOPMENT PROPOSALS RECEIVED FOR TE FOLLOWING PROPERTY LOCATED AT 1100 CALEDONIA STREET, LEGALLY DESCRIBED AS WEST 14' OF LOT 8, LOTS 9-13, BLOCK 10, OF THE VOLUNTEER ADDITION NO. 1, SARSFIELD LODGE, PORTION TO COMPLETE, SECTION 14, TOWNSHIP 3 NORTH, RANGE 8 WEST, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 0001277230) (Communication No. 09-156 being held in Committee of the Whole. **Proof of publication.**

**SECTION II INVITATION FOR BIDS**

SEALED BIDS ARE HEREBY INVITED FOR PHASE III- CIVIL/SITE IMPROVEMENTS FOR THE SEA CAST FACILITY LOCATED AT 119600 RICK JONES WAY, SILVER BOW, MONTANA.. WORK INCLUDES, CLEARING, GRUBBING, EARTHWORK AND SITE PREPARATION, STORM DRAINAGE, SANITARY SEWER, WATER UTILITIES, GRADING, SUBGRADE, CRUSHED BASE COURSE, CONCRETE SIDEWALKS AND PADS, ASPHALT PAVING, EXTERIOR LIGHTING AND RECEPTACLES AND CONDUIT, FENCING, LANDSCAPING AND OTHER MISCELLANEOUS WORK ASSOCIATED WITH COMPLETING THE SEA CAST FACILITY'S EXTERIOR IMPROVEMENTS. (Communication No. 09-184 being held in Committee of the Whole) **Proof of publication**

**PRESENTATION  
COMMUNICATION NO. 09-185**

Kristen Rosa, TIFID Administrator, requesting time on the 4/1/09 agenda for a presentation of the annual report of the TIFID.

**PRESENTATION  
COMMUNICATION NO. 09-217**

Tom Schrapps, Pro Shredders, requesting time on April 1, 2009 Council meeting for presentation in regards to shredding and contracting.

## CONSENT AGENDA

- A.**
1. COMMITTEE OF THE WHOLE MEETING REPORT
  2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
  3. JUDICIARY COMMITTEE MEETING REPORT
  4. PUBLIC WORKS COMMITTEE MEETING REPORT

## B. COMMUNICATIONS

1. 09-191 John Walsh, Sheriff, requesting authorization for Chief Executive to sign the FY 2010 DUI Plan/Report. **Recommendation: concur and place on file.**
2. 09-192 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to sign Paying Agent and Registrar Agreement with US Bank. **Recommendation: concur and place on file.**
3. 09-193 Linda Chopp, New Hope Pregnancy Clinic, requesting a waiver of license fee to conduct a non-profit raffle for the benefit of the New Hope Pregnancy Clinic. **Recommendation: concur and place on file.**
4. 09-194 Dan Dennehy, Director of Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
5. 09-195 John P. Walsh, Sheriff, requesting authorization for Chief Executive to sign request for 2009 (CHRP) Cops Hiring Recovery Program Grant Submission. **Recommendation: concur and place on file.**
6. 09-196 Dan Dennehy, Public Works Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

7. 09-197 Jack Whelan, Carnival Chairman, requesting waiver of license fees to sponsor a carnival 5/18 through 5-25-2009 for the benefit of non-profit Butte American Legion. **Recommendation: concur and place on file.**
8. 09-198 Theresa Hocking, Assistant Health Officer, requesting approval of line-item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
9. 09-199 Jai B. Kim, P.E. Ph.D, regarding development and method of truss bridge strengthening. **Recommendation: refer to Public Works Department.**
10. 09-200 Sally J. Hollis, Clerk & Recorder, requesting approval to purchase a Dell Optiplex 760 desktop computer. **Recommendation: refer to Finance and Budget Committee.**
11. 09-201 Roger Ebner, Office of Disaster and Emergency Service, requesting authorization to use City-County facility and authorization for Chief Executive to enter into Memorandum of Understanding. **Recommendation: concur and place on file.**
12. 09-202 Tony Schoonen, requesting consideration of concern related to fenced off section of Dawson Station Road. **Recommendation: refer to Public Works Department.**
13. 09-203 Tom Loggins, Road Foreman BSB Maintenance Department, requesting permission for approval to dispose of sign making machine. **Recommendation: concur and place on file.**
14. 09-204 Robert A Macioroski, Director of BSB Land Office, requesting purchase of county-owned property by Donald Jipp. **Recommendation: hold in Committee of the Whole and request County attorney prepare resolution and deed.**
15. 09-205 Karen Byrnes, Director URA, requesting authorization for Chief Executive to enter into contract with Norman DeNeal for services of Urban Forester. **Recommendation: concur and place on file.**
16. 09-206 Karen Byrnes, Community Development Director, requesting approval to submit an amended grant request with MDCO Big Sky Economic Development Trust Fund and authorization for Chief Executive to sign application. **Recommendation: concur and place on file.**
17. 09-207 John P Walsh, Sheriff, BSB Law Enforcement Department, requesting approval of line-item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

18. 09-208 Ellen Crain, Archives Director, requesting approval of line-item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
19. 09-209 Robert A. Macioroski, Director, requesting approval to issue developer's packet for City-County owned property located at 1240 Farrell Street. **Recommendation: concur and place on file.**
20. 09-210 Steven Hess, Acting Planning Director, requesting conditional approval of final plat of the Buffalo Estates Subdivision – Phase 1. **Recommendation: concur and place on file.**
21. 09-211 Steven Hess, Acting Planning Director, requesting conditional approval of final plat of the Fulton Minor Subdivision. **Recommendation: concur and place on file.**
22. 09-212 Ed Fisher, Chief, Boulevard Fire Department, requesting authorization to apply for two FEMA grants in April, 2009 in the amount of \$310,000. **Recommendation: refer to Finance and Budget Committee.**
23. 09-213 Cindi Shaw, Commissioner District 11, requesting time on the April 15, 2009 council meeting for a presentation by Butte-Silver Bow Crimestoppers. **Recommendation: concur and set presentation for April 15, 2009.**
24. 09-214 Dave McPherson, 911 Manager, BSB Law Enforcement Department, requesting authorization to submit an application for the 2009 Recovery Act: Edward Byrnes Memorial Competitive Grant and Authorization for Chief Executive to sign. **Recommendation: refer to Finance and Budget Committee.**
25. 09-215 Dan Dennehy, Director Public Works Department, requesting approval and authorization for Chief Executive to sign lease agreement with Spangler Ranch. **Recommendation: concur and place on file.**
26. 09-216 Stephen D. Hess, Acting Director BSB Planning requesting approval of projecting sign for 128 W. Granite. **Recommendation: concur and place on file**
27. 09-218 Stephen D. Hess, Acting Planning Director BSB, requesting authorization to enter into a joint contract with Renewable Technologies, Inc. to develop historic preservation guidelines. **Recommendation: concur and place on file.**
28. 09-219 Kelly and LaVon Curtis concerning condition of property at 1809 Gaylord. **Recommendation: refer to Public Works Department.**

## **SECTION VI**

### **ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY**

#### **1. COUNCIL RESOLUTION NO. 09-17**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE BUFFALO ESTATES SUBDIVISION – PHASE 1 OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

#### **2. COUNCIL RESOLUTION NO. 09-18**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE FULTON MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

## **SECTION VII**

### **ORDINANCES AND RESOLUTIONS - FINAL READING**

#### **3. COUNCIL RESOLUTION NO. 09-16**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-406, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF A BIG SKY ECONOMIC DEVELOPMENT TRUST FUND GRANT TO BE USED FOR THE COMPLETION OF UPGRADES TO THE MERDI DATA CENTER.

## **SECTION VII**

### **CALENDAR OF OTHER MEETINGS AND EVENTS**

Apr. 6	Airport Authority	Noon	Bert Mooney Airport
Apr. 7	Weed Board	7:00PM	Weed Department
Apr. 7	Historic Preservation Commission	5:30PM	1 <sup>st</sup> Floor Conference Room
Apr. 8	Fair Board	5:30PM	Business Development Center
Apr. 8	Law Enforcement Commission	4:00PM	Chief Executive's Conference Room
Apr. 8	Library	5:00PM	Library Building

Apr. 13	Archives	Noon	Archives Center
Apr. 15	Community Enrichment	10:00AM	Health Department
Apr. 15	TIFID Board	11:30AM	Business Development Center
Apr. 16	Zoning Board	5:00PM	Council Chambers

**ADJOURN**\_\_\_\_\_

# **COMMITTEE OF THE WHOLE MEETING REPORT**

## **MARCH 25, 2009**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS..

Ladies and Gentlemen:

We, your Committee of the Whole, respectfully recommend as follows:

### **SECTION I PUBLIC HEARING**

FOR THE PURPOSE OF RECEIVING COMMENT ON THE APPLICATION FOR AND THE ALLOCATION OF THE FY 2009 JAG (JUSTICE ASSISTANCE GRANT) GRANT FUNDS FROM A THIRD PARTY, THE BUREAU OF JUSTICE ASSISTANCE. (Communication No. 09-136 being held in Committee of the Whole) . **Proof of publication was noted.**

**Sheriff Walsh, Law Enforcement Department, gave a staff report.**

**Chairman Palmer opened the public hearing at 7:33 PM and called for any proponents. On the third and final call, he called for any opponents. Again, there was no response so he closed the public hearing at 7:34 PM**

### **SECTION II PRESENTATION COMMUNICATION NO. 09-180**

Don Kronenberger, Sr., Commissioner District 5, requesting time on the agenda for a presentation by Jeff Draper on the Northwestern Energy proposed 500 kilovolt line through South Butte, Jefferson Valley, or North of Butte.

**Don Kronenberger spoke briefly on the need to bring this to the Council and asked for Council support against this route.**

**Marie Garrison of Butte thanked the Council for addressing the issue.**

**Marty Bennett of Butte gave a brief power point presentation on the route of the power line thru the southern part of Butte-Silverbow.**

**Erick Shelton of Butte stated his residence is very close to the recommend route of the line and is concerned with the health affect on people. Mr. Shelton has 4 young children.**

**Dr Linda Rogers addressed the health issues.**

**Dr. John Pohlman addressed the health issues.**

**and limited use of the land.0**

**COMMUNICATION NO. 09-182**

Department.

**COMMUNICATION NO. 08-722**

***Communication No. 08-722 be held in abeyance***

**COMMUNICATION NO. 08-801**

***Communication No. 08-801 be held in abeyance***

**COMMUNICATION NO. 09-84**

*nays.*

**COMMUNICATION NO. 09-136**

*that Communication No. 09-136 be approved and placed on file.*

**COMMUNICATION NO. 09-156**

*Whole and schedule public hearing for April 1, 2009.*



**SECTION IX                      COMMUNICATION NO. 09-163**

Bob Rowling, Parks and Recreation Director, requesting concurrence in filing an application for a beer/wine license for the Highland View Golf Course. *Committee recommends that Communication No. 09-163 be held in abeyance.*

**SECTION X                      COMMUNICATION NO. 09-161**

Lee Phillips, Library Director, requesting time on the 3/18/09 agenda to present two stipends from Institute of Museum and Library Services and Montana State Library Commission for fiscal years 2009/2010 and 2010/2011. Also requests authorization for Chief Executive to sign agreement. *Committee recommends Communication No. 09-161 be approved and placed on file.*

**SECTION XI                      COMMUNICATION NO. 09-178**

John P. Walsh, Sheriff, requesting approval and authorization for Chief Executive to sign (CHRP) Cops Hiring Recovery Program Grant Submission. *Committee recommends that Communication No. 09-136 be approved and placed on file.*

**SECTION XII                      COMMUNICATION NO. 09-180**

Don Kronenberger, Sr., Commissioner District 5, requesting time on the 3/25/09 agenda for a presentation by Jeff Draper on the Northwestern Energy proposed 500 kilovolt line through South Butte, Jefferson Valley, or North of Butte. *Committee recommends that Communication No. 09-180 be placed on file.*

**SECTION XIII                      COMMUNICATION NO. 09-182**

Dan Dennehy, Public Works Department, requesting time on the 3/25/09 agenda for a presentation of the Road Inventory Plan for the Butte-Silver Bow Public Works Department. *Committee recommends that Communication No. 09-182 be placed on file.*

**SECTION XIV                      COMMUNICATION NO. 09-184**

Kristen Rosa, TIFID Administrator, requesting time on 4/1/09 agenda for a bid opening for the SeaCast Facility Phase 3. *Committee recommends that Communication No. 09-156 be held in Committee of the Whole for bid opening on April 1, 2009.*

**SECTION XV                      COMMUNICATION NO. 09-185**

Kristen Rosa, TIFID Administrator, requesting time on the 4/1/09 agenda for a presentation of the Annual Report of the TIFID. *Committee recommends that Communication No. 09-156 be held in Committee of the Whole for presentation on April 1, 2009.*

# FINANCE AND BUDGET COMMITTEE REPORT

## MARCH 25, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER  
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

**SECTION I** **COMMUNICATION NO. 09-157**

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-157 be approved and placed on file*

**SECTION II** **COMMUNICATION NO. 09-158**

Mike Rallis, Treasurer's office, requesting approval of line item budget transfers.  
*Committee recommends that Communication No. 09-158 be approved and placed on file*

## SECTION III COMMUNICATION NO. 09-159

Debra D. Williams, Justice Court, requesting approval of line item budget transfers.  
*Committee recommends that Communication No. 09-159 be approved and placed on file*

**SECTION IV**

Dan Dennehy, Director of Public Works Department, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-162 be approved and placed on file*

## SECTION V COMMUNICATION NO. 09-165

Karen Byrnes, Director URA, requesting approval of line item budget transfers.  
***Committee recommends that Communication No. 09-65 be approved and placed on file***

## SECTION VI COMMUNICATION NO. 09-166

John Moodry, Director of Weed Department, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-166 be approved and placed on file*

**COMMUNICATION NO. 09-168**

Karen Byrnes, Director URA, requesting approval of line item budget transfers.  
*Committee recommends that Communication No. 09-168 be approved and placed on file*

**COMMUNICATION NO. 09-170**

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-170 cross referenced with 09-176 and placed on file*

**COMMUNICATION NO. 09-171**

Toby Day, County Extension Agent, requesting approval of line item budget transfers.  
*Committee recommends that Communication No. 09-171 be approved and placed on file*

**COMMUNICATION NO. 09-172**

Dan Dennehy, Director of Public Works Department, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-172 be approved and placed on file*

**COMMUNICATION NO. 175**

Steve Hess, Assistant Planning Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-175 be approved and placed on file*

**COMMUNICATION NO. 09-176**

Geneta Bishop, LED, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-176 be approved cross referenced with 09-170 and placed on file*

**COMMUNICATION NO. 09-177**

Lee Phillips, Library Director, requesting time on the 3/18/09 agenda to address the committee on behalf of the Library Trustees. *Committee recommends that Communication No. 09-177 be noted and placed on file*

**COMMUNICATION NO. 09-183**

Dan Dennehy, Public Works Director, requesting approval of line item budget transfers.  
*Committee recommends that Communication No. 09-183 be approved and placed on file*

**SECTION XV****COMMUNICATION NO. 09-173**

Dan Dennehy, Director of Public Works Department, requesting approval of line-item budget transfers. *Committee recommends that Communication No. 09-173 be approved and placed on file*

**SECTION XVI****EXPENDITURE REPORT****3/25/09****\$1,109,724.02**

*Committee approves expenditure report with the exception of Claim #8895 (\$920).*

**JUDICIARY COMMITTEE MEETING REPORT**  
**MAY 25, 2009**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER  
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

**SECTION I**

Patsy Coates, Delinquent Property Specialist, requesting time on the 3/4/09 agenda to conduct a bid opening for Title and Lien Search for 2009 County Tax Deed Process. ***Committee recommends that Communication No. 09-183 be denied and rejected all bids and communication be placed on file***

**SECTION II** **COMMUNICATION NO. 09-169**

Lee Phillips, Director Butte-Silver Bow Public Library, requesting to declare stored shelves and surplus property and sell them to MoFaAB. *Committee recommends that Communication No. 09-169 be held in abeyance*

**SECTION III                      COUNCIL RESOLUTION NO. 09-16**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-406, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF A BIG SKY ECONOMIC DEVELOPMENT TRUST FUND GRANT TO BE USED FOR THE COMPLETION OF UPGRADES TO THE MERDI DATA CENTER. *Committee recommends that Council Resolution 09-16 be placed on final reading.*

# PUBLIC WORKS COMMITTEE MEETING REPORT

## MARCH 25, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

**SECTION I** **PETITION NO. 09-1**

John Harrington, Building Official, requesting on behalf of Wheeler Family LLC to close and vacate a portion of the alley within block 1 of the Storey Addition and abutting the Spruce Lode Mining Claim. ***Committee recommends that Petition No. 09-1 be held in abeyance and referred to County Attorney to prepare resolution and deed.***

**SECTION II** **PETITION NO. 09-2**

John Harrington, Building Official, requesting on behalf of Park Street Partnership, LLC to close and vacate an alley within the Lizzie Lode and the Colorado Lode. ***Committee recommends that Petition No. 09-2 be held in abeyance and referred to County Attorney to prepare resolution and deed.***

**SECTION III** **COMMUNICATION NO. 08-738**

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. ***Committee recommends that Communication No. 08-7438 be held in abeyance.***

**SECTION IV** **COMMUNICATION NO. 09-151**

J. Ray Haffey, President, Fairmont Homeowners Association, requesting replacement of neighborhood watch signs and also yield or stop sign at the junction of High Country Drive and Shirley Way. ***Committee recommends that Communication No. 09-151 be approved and placed on file***

**SECTION V** **COMMUNICATION NO. 09-174**

Kristen Reed, requesting approval to encroach over sidewalk at 128 W. Granite Street for projecting sign. *Committee recommends that Communication No. 09-174 be referred to Planning Department for review and approval and hold communication in abeyance.*